IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 2ND AUGUST 2007 / 11TH SRAVANA 1929

CRL.A.No. 556 of 2000(B)

SC.132/1998 of II ADDL.SESSIONS COURT, ERNAKULAM
CRIME NO.1/95 OF EXCISE RANGE OFFICE, KOTHAMANGALAM.
.....

APPELLANT: COMPLAINANT

STATE OF KERALA, REP.BY THE
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI.

RESPONDENT: ACCUSED

SUDHA, W/O.SREEDHARAN,
MANAYATHUKKUDY HOUSE,
THULASSERY MALA,
LAKSHAM VEEDU COLONY,
THRIKARIYOOR KARA,
THRIKARIYOOR VILLAGE,
KOTHAMANGALAM TALUK.

BY ADV. SRI.M.A.JOSEPH MANAVALAN

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 02/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.A.No.556 of 2000

Dated this the 2nd day of August, 2007

JUDGMENT

The State is the appellant that has filed this appeal for setting aside the order of the IInd Additional Sessions Court, Ernakulam in SC No.132/1998 acquitting the accused with respect to the offence under Section 20(b)(i) of the NDPS Act.

2. I find that the accused was acquitted as the mandatory provisions of Section 50 of the Act has not been complied with. Further more, I find that the chemical analysis report was also not marked. In the circumstances, I find that this is not a fit case to set aside the conviction and remit the matter back to the trial court, especially considering the fact that the date of the incident is on 7.1.1998.

The appeal is dismissed.

K.R.UDAYABHANU,
JUDGE

csl

K.R.UDAYABHANU, J

Crl.R.P.No.543/1999

ORDER

12th July 2007